

REMARKS

Claims 6, 7, 11-16, 21, 22, 24-28, and 30-39 are pending.

In the Office action dated May 24, 2002, claims 6, 7, 13-16, 21, 22, 24-28, 30, and 35-38 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,929,850 to Broadwin et al. ["Broadwin"]. Claims 11, 12, 31-34, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Broadwin. Applicants respectfully disagree.

1) In the interest of reaching a shared understanding of the disclosure of Broadwin, Applicants respectfully make the following observations.

Broadwin describes an interactive television system that allows displaying still images related to video content. [Broadwin, 2:26-28.] The interactive television system includes a video delivery system that provides one or more video content channels and one or more still image channels. [Broadwin, 2:39-44.] A video content channel or still image channel may include interactive program content. [Broadwin, 2:44-52.] The interactive program content for a particular stage (e.g., video content, still image) is executed to display various selection options for linking to still images transferred on a still image channel. A still image that is linked to may, in turn, have associated interactive program content.

[W]hen the television is displaying video content from an AVI signal which includes interactive program content, the interactive program content is executed by the set top box or interactive decoder to display various selection options on the television. One or more of the selection options each corresponds to respective compressed still video images broadcast on the still image channel. The user or viewer can select one of the options to view desired information. When the set top box receives user input selecting an option to view one of the linked still images, the set top box captures the requested image from the still image broadcast channel, stores the image in memory, and displays the captured still video image corresponding to the selection. The still image being displayed may have associated interactive program content for displaying further selections, wherein these selections may be for viewing other images or content, for ordering information, or purchasing products. The user can thus selectively navigate between the video content and stills in a web-like hyperlinked fashion.

[Broadwin, 2:53-3:5.]

In various embodiments, Broadwin describes different configurations for the interactive television system. In one embodiment, the interactive television system includes a media server which stores still images which may be requested "on demand." [Broadwin, 3:24-29; 12:47-13:30.] The server receives a request and provides the requested image(s) on a broadcast channel or via the

channel (e.g., phone line) over which the request was transmitted. [Broadwin, 3:29-42.] Thus, the interactive television system provides “web-like navigational capabilities” [Broadwin, 3:45] without actually involving the World Wide Web or Internet, which Broadwin distinguishes from interactive television systems. [See Broadwin, 1:50-58; 2:9-22.]

2) Broadwin does not teach or suggest at least one limitation of each of claims 6, 7, 11-15, 25-28, and 30-34.

Claim 6 recites:

in response to link data conveyed with the television signal, displaying with the displayed television signal an icon, said icon indicating the availability of associated auxiliary data from the auxiliary data network; and

responsive to a signal from a viewer during the displaying the icon, displaying a graphical control panel operable by the viewer to cause display of the auxiliary data associated with the icon.

Claim 30 recites:

in response to logical address link data conveyed with the television signal, displaying with the displayed television signal an icon, said icon indicating the availability of associated auxiliary data from the auxiliary data network;

responsive to a signal from a viewer during the displaying the icon, displaying a graphical panel that includes a descriptor of the auxiliary data, wherein the panel includes a first graphical control actuatable by the viewer to indicate desire to return to the displaying the television signal, and wherein the panel includes a second graphical control actuatable by the viewer to indicate desire to view the auxiliary data;

Broadwin fails to teach or suggest the *timing of the actions* recited in the above-cited language of claims 6 and 30, respectively. With reference to claim 6, for example, Broadwin fails to teach or suggest the timing of *displaying* a graphical control panel *responsive to a signal* from a viewer *during displaying an icon*.

Broadwin describes interactive program content (associated with video content or a still image) that is executed to display various selection options for linking to other content. The interactive program content is executed during display of the video content or the still image. [Broadwin, 2:53-3:5.] This is different than, and leads away from, *first* “displaying with the displayed television signal an icon” that indicates the availability of auxiliary data, *then* “responsive to a signal from a viewer during the displaying the icon” displaying a graphical control panel, as recited in claims 6 and 30, respectively. In other words, the interactive program content of

Broadwin *cuts right to the display of various selection options* for linking to other content, which leads away from the above-cited language of claims 6 and 30, respectively.

The Examiner cites various portions of Broadwin against claims 6 and 30. None of the cited portions of Broadwin teaches or suggests the above-cited language of claims 6 and 30, respectively. Several cited portions describe the general architecture and operation of Broadwin's interactive television system. [Broadwin, Abstract; Fig. 3, 140; 2:25-7:67; 7:64-11:43.] Applicants attempted to address the most relevant portions of Broadwin's interactive television system above. Another cited portion describes the Graphic On Screen Display block 322. [Broadwin, Fig. 3, 322.] The Graphic On Screen Display block 322 organizes data in a format to be overlaid on top of the output of the decoder 140. [Broadwin, 7:35-51.] The actual data to be overlaid is indicated by the interactive program content, for example, buttons for selection options. Still other cited portions describe executing interactive program content to display selection options, then navigating through screen content. [Broadwin, Figs. 5 and 6, steps 422-428; Figs. 13 and 14, steps 526-536 and 542-548; Figs. 15-18.] Applicants addressed the operation of the interactive program content above.

In view of the foregoing discussion of claims 6 and 30, the merits of the separate patentability of claims 7, 11-15, 25-28, and 31-34 are not belabored at this time. Claims 6, 7, 11-15, 25-28, and 30-34 should be allowable. Such action is respectfully requested.

3) Broadwin does not teach or suggest at least one limitation of each of claims 16, 21, 22, and 24.

Claim 16 recites:

in response to logical address link data conveyed with the televised advertising message, displaying with said televised advertising message an icon; and

in response to user selection of said icon, displaying a graphical control panel that presents to the user a plurality of options selectable by the user, a first option selectable by the user to indicate desire to return to the displaying the televised advertising message, and a second option selectable by the user to indicate desire to view additional information from the Internet relating to the subject of said advertising message.

Claim 21 recites:

b) in response to logical address link data conveyed with the television programming, alerting a viewer to the availability of a page of supplementary data from the Internet associated with said displayed television programming;

...

(d) responsive to said indication of viewer interest, displaying a graphical control panel that includes textual data related to said page of supplementary data, the control panel permitting the viewer to signal further interest in viewing the supplementary data;

Broadwin fails to teach or suggest the *timing of the actions* recited in the above-cited language of claims 16 and 21, respectively. Broadwin describes interactive program content (associated with video content or a still image) that is executed to display various selection options for linking to other content. The interactive program content is executed during display of the video content or the still image. [Broadwin, 2:53-3:5.] In other words, the interactive program content of Broadwin *cuts right to the display of various selection options* for linking to other content, which leads away from the above-cited language of claims 16 and 21, respectively.

Moreover, Broadwin fails to teach or suggest transitioning to display of data *from the Internet*, as recited in claims 16 and 21, respectively. Broadwin distinguishes the World Wide Web and Internet from interactive television systems. [See Broadwin, 1:50-58; 2:9-22.] Rather than actually involve the World Wide Web and Internet when transitioning between displayed content, Broadwin provides “web-like capabilities” in its interactive television system by using technology such as HTML and hyper-linking. [Broadwin, 2:29; see Broadwin, “emulating Internet web pages” 1:15; “web-like navigational capabilities” 3:45; “like a web server” 13:23-24; 18:48-55.]. Emulating interaction with the Internet, but not actually involving the Internet, leads away from the above-cited language of claims 16 and 21, respectively.

The Examiner cites various portions of Broadwin against claims 16 and 21. None of the cited portions of Broadwin teaches or suggests the above-cited language of claims 16 and 21, respectively. Several cited portions describe the general architecture and operation of Broadwin’s interactive television system. [Broadwin, 2:25-7:67.] Applicants attempted to address the most relevant portions of Broadwin’s interactive television system above. Other cited portions describe executing interactive program content to display selection options, then navigating through screen content. [Broadwin, Figs. 5 and 6, steps 422-428; 9:53-55; Figs. 13 and 14, steps 526-536 and 542-548; Figs. 15-18; 18:38-55; 12:4-19:64.] Applicants addressed the operation of the interactive program content above.

In view of the foregoing discussion of claims 16 and 21, the merits of the separate patentability of claims 22 and 24 are not belabored at this time. Claims 16, 21, 22, and 24 should be allowable. Such action is respectfully requested.

4) Broadwin does not teach or suggest at least one limitation of each of claims 35-39.

Claim 35, as amended, recites:

a television interface for receiving a television signal and for processing the television signal to extract logical address link data embedded within the television signal

...

a network interface for transmitting one or more requests for auxiliary data referenced by the logical address link data to the Internet and for receiving the auxiliary data from the Internet;

...

a processing unit for executing the computer-executable instructions, thereby processing the user input signals and the logical address link data, and thereby controlling the one or more transitions between the display of the television programming and the display of the auxiliary data from the Internet, wherein the processing unit:

causes the display of the television programming, and
responsive to receipt of the logical address link data, causes display of an icon during the display of the television programming, the icon indicating the availability of the auxiliary data from the Internet referenced by the logical address link data.

Broadwin does not teach or suggest the above-cited language of claim 35.

Broadwin fails to teach or suggest transitioning to display of data *from the Internet*, as recited in claim 35. Broadwin distinguishes the World Wide Web and Internet from interactive television systems. [See Broadwin, 1:50-58; 2:9-22.] Rather than actually involve the World Wide Web and Internet when transitioning between displayed content, Broadwin provides “web-like capabilities” in an interactive television system by using technology such as HTML and hyper-linking. [Broadwin, 2:29; see Broadwin, “emulating Internet web pages” 1:15; “web-like navigational capabilities” 3:45; “like a web server” 13:23-24; 18:48-55.]. Emulating interaction with the Internet, but not actually involving the Internet, leads away from the above-cited language of claim 35.

Moreover, Broadwin does not teach or suggest “a television interface ... for processing the television signal to extract logical address link data embedded within the television signal,” as recited in claim 35. In Broadwin’s interactive television system, “audio/video channels comprise AVI (audio video interactive) signals which include an audiovisual data stream as well as interactive program content.” [Broadwin, 2:44-47.] Including interactive program content *alongside and apart from* an audiovisual data stream (as in Broadwin) is different than, and leads away from, “a television interface ... for processing the television signal to extract logical address link data *embedded within* the television signal,” as recited in claim 35.

The Examiner cites various portions of Broadwin against claim 35. None of the cited portions of Broadwin teaches or suggests the above-cited language of claim 35. Several cited

portions describe the general architecture and operation of Broadwin's interactive television system. [Broadwin, 2:25-7:67.] Applicants attempted to address the most relevant portions of Broadwin's interactive television system above. Other cited portions describe executing interactive program content to display selection options, then navigating through screen content. [Broadwin, Figs. 5 and 6, steps 422-428; 9:53-55; Figs. 13 and 14, steps 526-536 and 542-548; Figs. 15-18; 18:38-55; 12:4-19:64.] Applicants addressed the operation of the interactive program content above.

In view of the foregoing discussion of claim 35, the merits of the separate patentability of claims 36-39 are not belabored at this time. Claims 35-39 should be allowable. Such action is respectfully requested.

CONCLUSION

Claims 6, 7, 11-16, 21, 22, 24-28, and 30-39 should be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Kyle B. Rinehart

Registration No. 47,027

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

(112623.2)

APPENDIX – Marked-up Version of Amended Claims**In the claims:**

35. (Amended) A set-top box for coupling a television set to [an auxiliary data network] the Internet, the set-top box including:

a television interface for receiving a television signal and for processing the television signal to extract logical address link data embedded within the television signal;

a user input device interface for receiving user input signals sent from a user with a user input device;

a network interface for transmitting one or more requests for auxiliary data referenced by the logical address link data to [an auxiliary data network] the Internet and for receiving the auxiliary data from [the auxiliary data network] the Internet;

a memory for storing computer-executable instructions for processing the user input signals, for processing the logical address link data, and for controlling one or more transitions between display of television programming and display of the auxiliary data; and

a processing unit for executing the computer-executable instructions, thereby processing the user input signals and the logical address link data, and thereby controlling the one or more transitions between the display of the television programming and the display of the auxiliary data from the Internet, wherein the processing unit:

causes the display of the television programming, and

responsive to receipt of the logical address link data, causes display of an icon during the display of the television programming, the icon indicating the availability of the auxiliary data from the Internet referenced by the logical address link data.